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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,113	10/04/2004	Yoshiaki Shibata	450100-04500	5049
7590 10/16/2007				
Frommer Lawrence & Haug 745 Fifth Avenue New York, NY 10151			EXAMINER MEYERS, JAMES A	
			ART UNIT 2622	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/510,113

**Applicant(s)**

SHIBATA ET AL.

**Examiner**

James A. Meyers

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This action is in response to the amendment dated July 31, 2007. Claims 1-11 are pending and have been considered below.

#### ***Drawings***

1. Based on the amendment dated July 31, 2007, all objections to the drawings have been withdrawn.

#### ***Specification***

2. Based on the amendment dated July 31, 2007, all objections to the specification have been withdrawn.

#### ***Claim Objections***

3. Based on the amendment dated July 31, 2007, all objections to the claims have been withdrawn.

#### ***Claim Rejections - 35 USC § 112***

4. Based on the amendment dated July 31, 2007, all previous rejections based on 35 U.S.C 112 have been withdrawn.

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

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art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 9 and 10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 9 recites an imaging device comprising an editor's terminal unit. Claim 10 recites an editor's terminal unit comprising an imaging device. Neither the specification nor the drawings disclose such combinations, only disclosing that the imaging device and editor's terminal unit are connected via a network (see pages 13 and 14).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukai et al. (WO 97/10673) in view of Loui et al. (US 7,110,025).

**Claims 1 and 11:** Fukai discloses a video content editing support system and method (page 1, 1<sup>st</sup> paragraph) comprising:

(a) a recorder to describe electronic mark data related to the video content data in the video content data (page 1, 5<sup>th</sup> paragraph onto page 2, 1<sup>st</sup> paragraph);

(b) an electronic mark list generator to generate electronic mark list data including header information on the video content data (page 1, 5<sup>th</sup> paragraph onto page 2, 1<sup>st</sup> paragraph); and

(c) an editing unit to edit the video content data on the basis of the electronic mark list data (page 1, 5<sup>th</sup> paragraph onto page 2, 1<sup>st</sup> paragraph).

Fukai does not explicitly disclose that the electronic mark data includes text data showing a user input, instead only disclose that it includes data showing a user input (page 8, 2<sup>nd</sup> paragraph). However, Loui discloses that electronic mark data (ie, metadata, see paragraph 80 of the publication of the present application) can include text data showing a user input (column 3, line 67 to column 4, line 3). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention that the electronic mark data in the system and method of Fukai could include text data showing a user input. One would have been motivated to do so to additional information to the chunks of video content data, allowing for faster recognition and easier categorization.

**Claim 2:** Fukai and Loui disclose a system as in Claim 1, and Fukai further discloses that the recorder describes the video content data and electronic mark data on a nearly real-time basis (page 6, last paragraph).

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**Claim 3:** Fukai and Loui disclose a system as in Claim 1, and Fukai further discloses that the header information on the video content data is header information on video scenes included in the video content data (page 5, last paragraph).

**Claim 4:** Fukai and Loui disclose a system as in Claim 1, and Fukai further discloses that the electronic mark data includes attribute mark data being attribute information on at least the video content data and electronic mark text data in which a feature of the video content data is described (page 8, 3<sup>rd</sup> paragraph).

**Claim 5:** Fukai and Loui disclose a system as in Claim 5, and Fukai further discloses that the attribute mark data includes scene identifiers of video scenes in at least content video data (page 8, 3<sup>rd</sup> paragraph).

**Claim 6:** Fukai and Loui disclose a system as in Claim 1, and Fukai further discloses that the electronic mark text data has described therein a feature, location of imaging or date of imaging of each video scene included in at least the video content data with text data (page 8, 3<sup>rd</sup> paragraph).

**Claim 7:** Fukai and Loui disclose a system as in Claim 1, and Fukai further discloses that the editing unit generates editing information data on the basis of the electronic mark list data and video content data (page 11, 3<sup>rd</sup> and 4<sup>th</sup> paragraphs).

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**Claim 8:** Fukai and Loui disclose a system as in Claim 1, but do not explicitly disclose that the electronic mark data is based on an input voice. However, Fukai discloses an audio input to the system for describing the electronic mark data (page 1, 5<sup>th</sup> paragraph onto page 2, 1<sup>st</sup> paragraph). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to use any kind of audio input, including a human voice to describe the electronic mark data. One would have been motivated to do so to allow for rapid marking of the video content data without physical input apparatus such as a mouse or a keyboard.

**Claim 9:** Fukai discloses an imaging device comprising:

(a) a recorder to describe electronic mark data related to the video content data in the video content data (page 1, 5<sup>th</sup> paragraph onto page 2, 1<sup>st</sup> paragraph); and

(b) an editor's terminal unit which displays video content data (page 1, 5<sup>th</sup> paragraph onto page 2, 1<sup>st</sup> paragraph).

Fukai does not explicitly disclose that the electronic mark data includes text data showing a user input, instead only disclose that it includes data showing a user input (page 8, 2<sup>nd</sup> paragraph). However, Loui discloses that electronic mark data (ie, metadata, see paragraph 80 of the publication of the present application) can include text data showing a user input (column 3, line 67 to column 4, line 3). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention that the electronic mark data in the system and method of Fukai could include text data showing a user input. One would have been motivated to do so to additional

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information to the chunks of video content data, allowing for faster recognition and easier categorization.

**Claim 10:** Fukai discloses an editor's terminal unit comprising:

(a) an editing unit to edit the video content data on the basis of electronic mark data related to the video content data (page 1, 5<sup>th</sup> paragraph onto page 2, 1<sup>st</sup> paragraph); and

(b) an imaging device comprising a recorder to record captured video content data to a recording medium and wherein the imaging device displays the video content data (page 1, 5<sup>th</sup> paragraph onto page 2, 1<sup>st</sup> paragraph).

Fukai does not explicitly disclose that the electronic mark data includes text data showing a user input, instead only disclose that it includes data showing a user input (page 8, 2<sup>nd</sup> paragraph). However, Loui discloses that electronic mark data (ie, metadata, see paragraph 80 of the publication of the present application) can include text data showing a user input (column 3, line 67 to column 4, line 3). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention that the electronic mark data in the system and method of Fukai could include text data showing a user input. One would have been motivated to do so to additional information to the chunks of video content data, allowing for faster recognition and easier categorization.



***Response to Arguments***

9. Applicant's arguments with respect to claims 1, 9, 10 and 11 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Meyers whose telephone number is (571) 270-1690. The examiner can normally be reached on Mon-Thurs 8AM-5:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

10/3/2007

JM

  
TUAN HO  
PRIMARY EXAMINER